

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SEAN P. MITCHELL,

Case No. 2:15-cv-01189-SB

Plaintiff,

FINDINGS AND  
RECOMMENDATION

v.

JOHN MYRICK, et al.,

Defendants.

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**BECKERMAN, Magistrate Judge.**

Plaintiff, formerly an inmate at Two Rivers Correctional Institution, brings this civil rights action pursuant to 42 U.S.C. § 1983.

After the U.S. Postal Service returned as undeliverable court orders sent to Plaintiff in September 2015 in *Mitchell v. Myrick*, Case No. 2:15-cv-01449-SB, this Court issued an order on December 10, 2015 (ECF No. 15), requiring Plaintiff to submit a change of address, or to show cause why this action should not be dismissed for lack of prosecution. That court order was also returned as undeliverable by the U.S. Postal Service. *See* Returned Mail (ECF No. 16).

Pursuant to Local Rule (LR) 83-10, a party not represented by counsel has a continuing responsibility to notify the clerk's office of any mailing address changes. When mail from the court

is returned as undeliverable due to the lack of a current address, and the party's failure to notify the court of a change of address continues for 60 days, the court may dismiss the action. LR 83-12.

Plaintiff has failed to keep the court apprised of his current address, and the failure has continued for more than 60 days. Accordingly, this Court recommends that the district judge dismiss this proceeding, without prejudice, for lack of prosecution. *See* LR 83-12.

### **SCHEDULING ORDER**

The Findings and Recommendation will be referred to a district judge. Objections, if any, are due fourteen (14) days from service of the Findings and Recommendation. If no objections are filed, the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 25<sup>th</sup> day of January, 2016.

  
STACIE F. BECKERMAN  
United States Magistrate Judge